

### REMARKS

Claims 5, 6 and 8-34 are presented for examination. Claims 1-4 and 7 have been canceled without prejudice or disclaimer. Claims 5 and 6 have been amended to define more clearly what Applicants regard as their invention, and the dependencies of Claims 8-10, 28 and 31 have been amended as a result of the cancellation of Claims 1-4 and 7. Claims 5, 6, 11, 12, 13, 14, 18, 20, 22, and 23 are in independent form. Favorable reconsideration is requested.

Initially, Applicants acknowledge with appreciation the Examiner's indication that Claims 11-27 have been allowed in the Office Action dated April 19, 2004.

Claims 1-6, 8-10, and 28-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,586,872 B2 (*Shibata*). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shibata* in view of U.S. Patent 6,031,250 (Brandes et al.).

The cancellation of Claims 1-4 render the Section 102(e) rejections of those claims moot. In addition, the cancellation of Claim 7 renders the Section 103(a) rejection of that claim moot.

Claim 5 relates to a precursor to an electron source, where the precursor is one on which electron emitting devices and a supporting frame coupled to an image display member to form an image display apparatus are to be disposed. The precursor comprises a substrate, a first insulating film containing a metal oxide provided on a surface of the substrate in an area except for a partial surface area of the substrate, and a second insulating film provided on the first insulating film so as to cover the metal oxide. The

second insulating film has a surface on which the electron emitting devices are to be disposed, and the partial surface area is an area in which the supporting frame is to be disposed.

One notable feature of Claim 5 is that the precursor includes a second insulating film provided on the first insulating film so as to cover the metal oxide.

The Office Action cites *Shibata* as disclosing an image display device (col. 3, lines 10-16) with an electron source 4 (Figure 2B) and an image display member (Figure 20). In Figure 2B of *Shibata*, there is shown a substrate 1 and an insulating film 6. The film is a metallic oxide where the oxide is either nickel, iron, or cobalt and the principle component is silica. The film may be a fine particle film (col. 4, lines 66 - col. 5, line 7).

At col. 12, lines 51-57, *Shibata* teaches: “[i]n the present invention, the metallic oxide film 6 is partly exposed in the portion where the conductive film 4 is locally broken or deformed by the forming operation (i.e., in the gap 10), so that carbon depositing from the organic substance experiences the catalytic action by the metal element included in the metallic oxide film 6, i.e., iron, cobalt, or nickel in the deposition process.”

It is respectfully submitted that, while part of the *Shibata* metallic oxide must be exposed so that the metallic oxide can function as a catalyst, nothing has been found or pointed out, in *Shibata* that would teach or suggest a precursor to an electron source, having a second insulating film provided on the first insulating film so as to cover the metal oxide of the first insulating layer, as set forth in Claim 5.

Accordingly, it is respectfully submitted that Claim 5 is clearly patentable over *Shibata*.

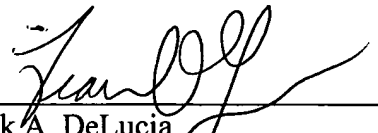
Claim 6 has features similar to those of Claim 5 except that in Claim 6, a second SiO<sub>2</sub> film is provided on the first SiO<sub>2</sub> film so as to cover the metal oxide of the first SiO<sub>2</sub> film. It is respectfully submitted that *Shibata* is not seen to teach or suggest these features. As such, Claim 6 also is deemed patentable over *Shibata*.

The other rejected claims in this application are each dependent from one or another of the independent claims discussed above, and also are believed clearly patentable over the relevant art relied on by the Examiner, at least because the respective independent base claims from which they depend, recite subject matter that is believed to be patentable over the prior art relied on by the Examiner. Nonetheless, individual reconsideration of each rejected dependent claims on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' attorney of record may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



---

Frank A. DeLucia  
Attorney for Applicants  
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 440292v1